

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q87920

Praveen SHARMA, et al.

Appln. No.: 10/535,414

Group Art Unit: 1634

Confirmation No.: 7331

Examiner: Steven C. Pohnert

Filed: May 1, 2006

For: **PRODUCT AND METHOD**

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interviews conducted on November 18, 2009, and January 26, 2010:

REMARKS

Examiner's Interview Summary Records (PTO-413) were mailed November 23, 2009, and February 1, 2010.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: None
2. Identification of claims discussed: 2
3. Identification of art discussed: None
4. Identification of principal proposed amendments: None
5. Brief Identification of principal arguments: None

Indication of other pertinent matters discussed: None

6. Results of Interview:

The Examiner and Applicants' representative discussed the new matter and enablement rejections, and how both may be overcome by presentation of a sequence alignment. The Examiner and Applicants' representative agreed that the nucleic acid sequences at issue are disclosed in the as-filed specification of May 19, 2005 and substitute specification filed on October 3, 2008. The Examiner suggested that the new matter and enablement rejections may be addressed by presenting an alignment to show the sequences presented in these two documents are the same. Further, it was suggested that such an alignment should indicate the correct relation to the sequence listing and verify minimally that the sequences have the same number of nucleotides as those aligned and how the correlation between the sequences and SEQ ID NOs have been determined to correct these issues.

In addition, with regard to the enablement issue concerning "fragments", options including an amendment or declaration was discussed as ways to address this aspect of the rejection.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

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It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/Tu A. Phan/

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